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OFFICE OF PETITIONS

In re Application of :
Virtanen :
Application No. 09/976,718 : **ON PETITION**
Filed: October 13, 2001 :
Attorney Docket No. NAGACO.11CPCCCD :

This decision concerns the May 10, 2004 petition under 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned on October 17, 2003 for failure to timely respond to the July 16, 2003 non-final Office Action.

The instant petition encloses an amendment and the \$1,330 petition fee, and states in essence that the entire delay in responding to this non-final Office action from the due date until the filing of a grantable §1.137(b) petition was unintentional. The petition is thus granted.

In addition, the petition encloses a \$950 payment intended for a 3-month extension of time. However, an extension of time under 37 CFR 1.136 may only be obtained prior to expiration of the maximum extendable reply period.¹ The request for extension of time submitted with the instant petition is not applicable, in that, it is filed subsequent to the maximum extendable reply period, i.e., subsequent to January 16, 2004. Accordingly, the \$950 payment has been credited to Deposit Account No. 11-1410 as authorized in the petition.

Finally, the petition uses a correspondence address different from that indicated in the USPTO record for this application. All future correspondence on this application will be mailed to the current correspondence-address-of-record unless the USPTO is properly instructed otherwise.

The application file is being returned to Technology Center 1600 for further examination.

Telephone inquiries should be directed to the undersigned at (703) 308-0763.


RC Tang
Petitions Attorney
Office of Petitions

¹ See In re Application of S., 8 U.S.P.Q.2d 1630, 1631 (Comm'r Pats. 1988).